

**RECORD OF DECISION**  
**Providence River and Harbor Maintenance Dredging Project**  
**Environmental Impact Statement**

I have reviewed the Final Environmental Impact Statement for the Providence River and Harbor Maintenance Dredging Project (FEIS) and the related documents and correspondence attached to this document. I find the plan identified as the Preferred Alternative in the FEIS, with minor modifications, to be in the public interest and in accordance with environmental statutes. Thus, I approve that plan for construction.

The approved plan is substantially the Preferred Alternative identified by the New England District in the FEIS. The approved plan consists of the following elements:

- 1) Dredge the navigation channel to 40 feet deep and 600-feet wide to restore the full Congressionally authorized project dimensions. Do not dredge the segment at the upstream end of the project and the section along the East Providence shoreline near Watchemoket Cove as identified by Figure 4.4.1-4 of the FEIS.
- 2) Dredge maintenance material from all reaches of the Federal channel and harbor using an enclosed clamshell bucket dredge and allow no overflow of the scow while it is being filled with maintenance material.
- 3) Sequence the dredging to minimize impacts to fishery resources by adhering to the priorities developed by the interagency workgroup involved in windows/sequencing discussions as much as logistically feasible. These priorities are outlined in Section 5.1 and Appendix L of the FEIS.
- 4) Dredge the silt, sand, and gravel material from the Confined Aquatic Disposal (CAD) cells using an open bucket. Allow overflow of the scow while sand and gravel is being removed from the CAD cells.
- 5) Dispose of material from the Fox Point Reach of the channel classified as unsuitable for open water disposal in the In-channel CAD cells. Allow non-Federal dredging projects with material classified as unsuitable for open water disposal to dispose of their material in the CAD cells by paying the cost of creating this capacity (including material bulking) through the state of Rhode Island.
- 6) Dispose of the silt material (classified as suitable for open water disposal) excavated to create the CAD cells at Site 69b, Separation Zone Site, in Rhode Island Sound. During construction, temporarily store the unsuitable material from the surface of the starter CAD cell. Permanently dispose of the unsuitable surface material in the CAD cell.

- 7) Dispose of the sand/gravel material excavated to create the CAD cells for one or more of the following uses:
  - Place fine sand from the CAD cells over the maintenance silt at Site 69b, Separation Zone Site in Rhode Island Sound to create the exposed surface layer at the disposal site.
  - Use as much of the remaining material as practicable as fill for road or other construction projects.
- 8) Use material from the Upper Fuller Rock Reach, classified as suitable for open water disposal, to cap the unsuitable material in the CAD cells with 1 to 3 ft (0.3 to 0.9 m) of material.
- 9) Dispose of the material from the lower Fox Point Reach south through the Rumstick Neck Reach (with the exception of the material used to cap the CAD cells) at Site 69b, Separation Zone Site in Rhode Island Sound. This material is classified as suitable for open water disposal without management.
- 10) Allow marina facilities located outside of the upper Providence River to dispose of dredged material that is “suitable for ocean disposal without management” at Site 69b, Separation Zone Site.
- 11) Dispose of the material from the lower Fox Point/upper Fuller Rock Reaches (between Kettle Point and the southern end of the Mobil Terminal as characterized by samples G & H) not used for capping of the CAD cells at Site 69b, Separation Zone Site. Limit disposal quantities of this material to 3,000 cy per event to ensure that the discharge does not exceed the criterion.
- 12) Modify ocean disposal operations by delaying disposal for one-half hour after a siting whenever the vessel crew or inspector detect protected threatened or endangered species within approximately 1,000 feet (300 meters) of the disposal buoy.

This plan differs slightly from the plan identified as the Preferred Alternative in the FEIS in the following ways. First, the plan no longer calls for using a portion of the sand from the CAD cells to expand colony nesting waterbird habitat at Spar Island in Mount Hope Bay. We were unable to identify a local sponsor for this effort. Second, the plan involves placing fine sand from the CAD cells, rather than silt from the CAD cells, as the last layer on the surface of the open water disposal site (Site 69b). The Environmental Protection Agency expressed concerns about the ability of the silt to support commercial fishing activities on the disposal mound in Rhode Island Sound. In considering these comments, we determined that the fine sand from the CAD cells is closer in grain size to the material at the ocean disposal site than the silt. We have concluded that the fine sand is most compatible with the existing sediment surface at the disposal site and should be placed on top of the CAD cell silt and maintenance silt.


recommended using dredging windows, rather than sequencing in their comments on the FEIS. We believe that sequencing dredging and disposal activities will effectively minimize impacts. We believe that applying windows (completely stopping the project to avoid sensitive times of year) aside from being prohibitively costly, would needlessly prolong the environmental impacts associated with disturbance caused by the project at both the dredging and disposal sites.

Some organizations expressed a preference for upland disposal and/or reuse of the dredged material. Upland disposal and reuse and treatment alternatives for the large quantity of maintenance material that the project will generate have not proven practicable for this project based on cost and logistical requirements. These upland alternatives also have substantial environmental impacts, including loss of scarce landfill space, increases in truck traffic, and dewatering site discharges. Placing all of the material at the Central Landfill, the only upland site with sufficient capacity to hold all of the material, would use a very large volume of a limited amount of landfill space in Rhode Island, transferring impacts to other projects and sites. None of the other upland disposal sites have sufficient capacity to substantially offset environmental impacts at the aquatic sites. Therefore, we have determined that the suitable material must be placed in an open water site. We have determined that Site 69b, Separation Zone Site, has the least impacts among the open water sites considered.

The Corps of Engineers will monitor the disposal operations at the CAD cells to ensure that the project complies with the applicable State water quality regulations. The monitoring plan is outlined in the Water Quality Certification issued for the project on February 15, 2002. The Corps of Engineers will also monitor operations at the ocean disposal site in Rhode Island Sound. The outline of the ocean disposal site monitoring plan was included in the FEIS. The Corps of Engineers will work with the Environmental Protection Agency and other agencies to develop and implement the final plan.

We have reviewed and evaluated documents concerning the proposed action, views of other interested agencies and the public, and the various practicable means to avoid or minimize environmental harm from the construction of this project. All practicable means to avoid or minimize adverse environmental effects have been incorporated into the recommended plan. The public interest will best be served by implementing the maintenance dredging project identified and described in the Final Environmental Impact Statement.

March 18, 2002  
Date

  
BRIAN E. OSTERNDORF  
Colonel, District Engineer  
U.S. Army Corps of Engineers  
New England District

## **LIST OF ATTACHMENTS TO THE RECORD OF DECISION**

- 1) Clean Water Act, Section 404(b)(1) Evaluation
- 2) Site Selection Memorandum
- 3) Non-Testing Memorandum
- 4) Suitability Determinations (Not attached; see Appendices D and J of the EIS.)
- 5) Environmental Protection Agency Concurrence with the Site Selection Memorandum
- 6) Coastal Zone Management Consistency Concurrence from the Rhode Island Coastal Resources Management Council
- 7) Clean Water Act, Section 401 Water Quality Certification from the Rhode Island Department of Environmental Management
- 8) National Marine Fisheries Service Letter Concerning the Biological Assessment and Essential Fish Habitat Assessment
- 9) Corps of Engineers Response to the National Marine Fisheries Service Letter Concerning the Biological Assessment and Essential Fish Habitat Assessment
- 10) Comment Letters on the Final Environmental Impact Statement (FEIS)
- 11) Corps of Engineers Letter Responses to Comments Provided by Letter on the FEIS
- 12) Letters Received after the Close of the Public Comment Period
- 13) Transcripts from the Public Hearing Held on November 28, 2001
- 14) Transcripts from the Public Informational Session Held on September 26, 2001
- 15) Corps of Engineers Responses to Comments from the Public Hearing and Public Informational Session